

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

615 (Building) Company LLC,

Plaintiff,

-against-

Louisa A. Smith,

Defendant.

ANALISA TORRES, District Judge:

USDC SDNY  
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ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 3/12/2024

24 Civ. 753 (AT)

**ORDER**

On February 2, 2024, Defendant *pro se*, Louisa A. Smith, removed this action to federal court. ECF No. 1. The Court found that Smith's notice of removal was "deficient in several ways": It did not fulfill the requirements of 28 U.S.C. § 1446(a); it was not clear that removal was timely; and it did not indicate the basis for the Court's subject matter jurisdiction. Order, ECF No. 2. The Court ordered Smith to file a declaration "alleg[ing] facts addressing each issue identified" by February 13, 2024. *Id.*

Smith's declaration does not adequately address any of the issues identified in the Court's Order. *See* Smith Decl., ECF No. 4. Instead, Smith primarily takes issue with the Court's citation to *Tracy v. Freshwater*, 623 F.3d 90 (2d Cir. 2010), in which the Second Circuit observed that "the degree of solicitude" ordinarily afforded to *pro se* litigants "may be lessened where the particular *pro se* litigant is experienced in litigation." *Id.* at 102; *see* Smith Decl. at 1–4. No matter what degree of solicitude the Court affords Smith, however, the deficiencies in her notice of removal remain uncorrected.

Accordingly, this case is REMANDED to New York Civil Court, County of New York. The Clerk of Court is directed to mail a copy of this order to Smith and close the case.

SO ORDERED.

Dated: March 12, 2024  
New York, New York



ANALISA TORRES  
United States District Judge